

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

CANAL INDEMNITY COMPANY,

Plaintiff,

v.

Case No.:

3:08cv412/MCR/EMT

COASTWIDE DISASTER
RELIEF AND RECOVER, L.L.C.,
et al.,

Defendants.

_____ /

ORDER

This cause was filed September 18, 2008. It presently is before the court on the plaintiff's failure to show cause why the case should not be dismissed for failure to effect service and failure to prosecute as ordered on July 21, 2009 (doc. 5). The 120-day period for service has expired with no proof of service having been filed. See Fed. R. Civ. P. 4(l), (m). The court ordered the plaintiff to show cause why this case should not be dismissed for failure to effect service and failure to prosecute (doc. 5) and provided 10 days for a response. Plaintiff has failed to comply with the court's order and has failed to prosecute the case. As a result, dismissal of the case is warranted.

Accordingly, it is ORDERED:

1. This case is dismissed without prejudice for failure to comply with the court's order and failure to prosecute.

DONE AND ORDERED this 5th day of August, 2009.

sl M. Casey Rodgers

**M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE**